

In re: Tae-joong Song
Serial No.: 10/783,481
Filed: February 20, 2004
Page 2

REMARKS

Applicant appreciates the thorough review of the present application that is evidenced in the Office Action of December 30, 2005. Applicant also appreciates the indication that Claims 4, 7, 12 and 24 are directed to allowable subject matter. The remainder of this Response addresses the issues raised in the Office Action of December 30, 2005 in the order in which those issues are presented in the Office Action.

I. The Objection to the Drawings

Attached hereto as Ex. D are Replacement Sheets for FIGS. 2 and 5 which show transistor 236 as a PMOS transistor.

II. The Rejections Under 35 U.S.C. § 103

Claims 1-3, 5-6, 8-9 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over "Applicant's Admitted Prior Art" ("AAPA") in view of U.S. Patent Application Publication No. US2004/0109366 A1 to Moon et al. ("Moon"). (Office Action at 3-6). Claims 22, 23 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over AAPA and Moon further in view of U.S. Patent Application Publication No. US2001/0052624 A1 to Houston ("Houston"). (Office Action at 6). Applicant respectfully traverses these rejections.

As an initial matter, Applicant notes that Claim 10 is pending in this case, but is not addressed in either the Office Action Summary or in the body of the Office Action. Applicant assumes that the Examiner's intention was to indicate that Claim 10 was directed to allowable subject matter, but objected to as being dependent on a rejected base claim. Applicant respectfully requests that the Examiner clarify the status of Claim 10 in the next Office Action.

With respect to the remaining rejections, Applicant notes that all of the rejections are (1) under Section 103(a) and (2) rely on Moon. However, as discussed in the following sections, Moon cannot properly be applied as prior art to the present application because (1) Moon is commonly assigned to the assignee of the present application and (2) the present application claims priority from a Korean application having a filing date that predates the

In re: Tae-joong Song
Serial No.: 10/783,481
Filed: February 20, 2004
Page 3

filing date of Moon. Accordingly, for each of the reasons discussed below, the rejections under 35 U.S.C. § 103(a) should be withdrawn.

A. Moon and the Present Application are Commonly Assigned

Pursuant to 35 U.S.C. § 103(c), "[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person" Moon is a U.S. Patent Application Publication that was published on June 10, 2004, which is after the February 2, 2004 filing date of the present U.S. application. As such, Moon may only possibly qualify as prior art to the present application under 35 U.S.C. § 102(e). Here, as shown by the Assignment attached at Ex. A to this Response, Moon is assigned to Samsung Electronics Co., Ltd., and was so assigned at the time the present invention was made. As shown by the Assignment attached at Ex. B to this Response, the present application is likewise assigned to Samsung Electronics Co., Ltd. Accordingly, based on this common assignment, Moon cannot properly be applied in any rejections under 35 U.S.C. § 103(a) as Moon at most constitutes Section 102(e) prior art, and commonly assigned section 102(e) prior art cannot properly be applied in a rejection under Section 103(a).

B. Moon is Not Section 102(e) Prior Art

Applicant also respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn because Moon is not prior art to the present application. In particular, the present application claims priority from Korean Patent Application No. 2003-36748, which was filed on June 9, 2003. The U.S. filing date of Moon is November 18, 2003, which is after the filing date of Korean Application No. 2003-36748. The Korean priority application cited on the front cover of Moon is not considered in determining the effective filing date of Moon for purposes of Section 102(e). See M.P.E.P. § 706.02(f)(1)I(D). As Moon is not prior art with respect to the present invention, Applicant respectfully submits that all rejections based on Moon have been overcome. Accordingly, Claims 1-3, 5-6, 8-9, 11, 22-23 and 25 are patentable.

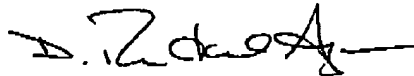
In re: Tae-joong Song
Serial No.: 10/783,481
Filed: February 20, 2004
Page 4

Pursuant to 37 CFR 1.55, a translation of Korean Application No. 2003-36748 is attached as Ex. C hereto along with a Statement of Accuracy of Translation. Please note that this claim of priority has been perfected to advance prosecution of this application to allowance and should not be construed as an admission with respect to any teachings of Moon or as to the statements in the Office Action regarding the alleged teachings of "Applicant's Admitted Prior Art."

III. Conclusion

Applicant submits that all pending claims in the present application are in condition for allowance, and a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact the undersigned attorney by telephone should any additional issues need to be addressed.

Respectfully submitted,

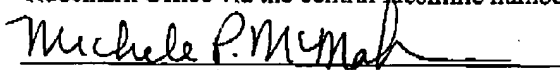


D. Randal Ayers
Registration No. 40,493

Customer No. 20792
Myers Bigel Sibley & Sajovec
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401

CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 571-273-8300 on March 17, 2006.


Michele P. McMahan

487829